

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JAMES KIM GATLUAK,

Defendant.

4:14-CR-3108

MEMORANDUM AND ORDER

This matter is before the Court on correspondence from the defendant which the Court has filed as a motion for copies. Filing 61. The defendant has requested copies of his plea agreement, discovery, sentencing transcripts, and docket sheet. Filing 61. However, the defendant does not have a right to receive copies of documents without payment, even if he has leave to proceed in forma pauperis. See, 28 U.S.C. § 1915; *Lewis v. Precision Optics, Inc.*, 612 F.2d 1074, 1075 (8th Cir. 1980). The defendant has not explained why he needs these documents, and the Court is not inclined to subsidize his litigation expenses. His motion for copies will be denied.

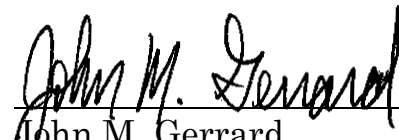
An indigent defendant bringing a postconviction proceeding under 28 U.S.C. § 2255 may have a transcript prepared at the government's expense, if the suit is not frivolous and the transcript is needed to decide the issue presented by the suit. 28 U.S.C. § 753. But any request for a free transcript prior to the filing of a § 2255 motion is premature. *Chapman v. United States*, 55 F.3d 390, 390-91 (8th Cir. 1995). And the defendant has not filed such a motion yet in this case. The defendant may, if he files a § 2255 motion, move for a transcript to be prepared pursuant to § 753, and the Court will at that time consider whether his motion is frivolous and the transcript is necessary.

IT IS ORDERED:

1. The defendant's motion for copies (filing [61](#)) is denied.
2. The Clerk's Office is directed to mail a copy of this order to the defendant at his address of record.

Dated this 9th day of May, 2017.

BY THE COURT:



John M. Gerrard
United States District Judge